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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/618,769

07/15/2003

Norbert Wieser

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EXAMINER

ALLEN, ANDRE J

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/618,769

Applicant(s)

WIESER, NORBERT

Examiner

Andre J. Allen

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on app. as filed 7-15-03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7-15-03</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1 recites a ring structure that electronically affects a synchronization control. The specification does not describe the structure or operation of this particular ring structure. What is this ring structure, what are the elements that make structure, how does it relate to the synchronization control and how does it operate?

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 is rejected under 35 U.S.C. 102(e) as being anticipated by Jahn et al.

Regarding claims 1 and 12 Jahn teaches four rollers 10 20 30 40 (pg. 2 [0025]) and four asynchronous motors 12 22 32 42 (pg. 2 [0025]), wherein each of the asynchronous motors drives a respective one of the rollers, four control units 28 (pg. 1 and 2 [0020](claim 11)), wherein each of the rollers is assigned to a respective one of the control units (pg. 1 and 2 [0020]), and a synchronization control (pg. 2 [0029]), which is effected electronically in accordance with a ring structure 17 such that a given one of the control units assigned to a given one of the rollers receives a synchronization pulse and an actual speed value for the given control unit (pg. 2 [0030]) and receives a further synchronization pulse and a further actual speed value for a further one of the control units assigned to a preceding one of the rollers (pg. 2 [0031]).

Regarding claim 2 Jahn teaches the synchronization control is configured to interrupt the ring structure as a function of predefined parameters, in accordance with a drive type with which vehicles to be tested are equipped (pg. 1 [0010]).

Regarding claim 3 Jahn teaches simulation of uphill or downhill driving (pg. 3 [0044]).

Regarding claim 4 Jahn teaches the rollers are configured to be displaced relative to one another, and wherein the synchronization control is configured to produce and maintain a given relative displacement (pg. 2 [0030-0033]).

Regarding claims 5,8,9,12-14 Jahn teaches detectors 24 34 44 14 detecting an actual speed value of a first, third and fourth of the rollers and an actual speed value of a second of the rollers, and an input providing a speed setpoint (pg 3 [0033,0038-0040]) for at least one of speed and angle control of the first roller, wherein the synchronization control assigns a master function to the first roller, the detected actual speed value of the roller acting as the master is defined as a speed setpoint for at least one of speed and angle control of the said rollers (pg. 3 [0037,0038,0040]), and the synchronization control controls the speed of the said rollers such that the actual speed value of the second roller matches the speed setpoint (pg. 3 [0039]).

Regarding claims 6 and 7 Jahn teaches the speed set point of the roller acting as the master is defined by a higher-level control of the synchronization control (pg3 [0037]) and actuating a speed by the gas pedal of a vehicle (pg. 3 [0043]).

Regarding claim 10 Jahn teaches the synchronization pulses are output from the rollers at least once per rotation (pg. 1 [0020]).

Regarding claim 11 Jahn teaches the control unit of a downstream one of the rollers is configured to receive both the synchronization pulse received from one

of the rollers located upstream in the ring structure and the synchronization pulse derived from the downstream roller associated with the control unit, and wherein the synchronization control counts the number of pulses of a tachometer occurring between these two synchronization pulses, and uses the count to adjust a desired offset between the two rollers (pg. 1 [0010])(pg 2 [0030-0033].

Regarding claims 15-17 Jahn teaches receiving the said synchronization pulse from the third roller and a fourth synchronization pulse from the fourth roller, detecting an offset between the third and fourth synchronization pulses, and utilizing the detected offset to adjust an offset between the third roller and the fourth roller (pg. 3 {0042}).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre J. Allen whose telephone number is 571-272-2174. The examiner can normally be reached on mon-fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2855

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.J.A  
Art Unit 2855



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